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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,501	09/15/2000	Makoto Korehisa	450100-02714	2807
20999	7590	08/11/2005	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/663,501	KOREHISA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Son P. Huynh	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 May 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 2 and 12-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 2 and 12-19 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date: \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 2, 12-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues Knudson does not teach or suggest first and second means for downloading wherein the first means for downloading has a lower transmission rate than the second means for downloading (page 8, paragraph 2, lines 3-5).

In response, the examiner respectfully disagrees with this argument. Knudson, in one embodiment, discloses the program guide information is received and stored at the television distribution facility (26) using a telephone network link (col. 5, lines 40-48), and the set top terminal, coupled to the television distribution facility (26) by cable links, satellite links, fiber optic links, for downloading (col. 6, lines 26-36). Thus, the telephone network link for downloading has a lower transmission rate than the cable links/satellite link.

Rejections on claims 2, 12-19 are analyzed as discussed below.

Claims 1 and 3-11 have been canceled.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2,12-15, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6,536,041) in view of Yuen et al. (US 6,583,825).

Regarding claim 2, Knudson teaches a broadcast program information processing apparatus (figure 1) comprising:

a data server (e.g. facility 22) having a database (program guide database 24) for storing broadcast program information (figure 1); and  
a plurality of broadcast program information receiving apparatus (television distribution facility 26— figure 1) having a means for accessing the data server and first means (telephone network links) for downloading the broadcast program information (col. 5, lines 32-52);

one or more devices (set top box, television, VCR), coupled to one or more of the plurality of broadcast program information receiving apparatus (26) by second means for downloading (cable links, satellite links, or fiber optic links – figure 1, col. 6, lines 26-36; col. 7, lines 36-63); Inherently, the first means (telephone network link) for

downloading has a lower transmission rate than the second means (cable links, satellite link) for downloading. Knudson further discloses downloading the broadcast program information from the data server continuously, periodically, or on demand, or may be performed using any other suitable technique (col. 7, lines 9-11; col. 11, lines 7-18) broadly reads on the first means for downloading has access times to the data server and downloads the broadcast program information from the data server at a determined time. However, Knudson does not specifically disclose a table in which access times are set for each region, and downloads the information at a determined time set by the table.

Yuen discloses a table in which access times are set for each region, and downloads the information at a determined time, set by the table (e.g. host schedule packet in which access time are set for each geographical area, and downloads the information at a determined time, set by the host schedule packet, for example, broadcast electronic program guide at 10:30 A.M and again at 7:00 P.M- Col. 10, lines 1-15, figures 11-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson to use the teaching of a table to store access time as taught by Yuen in order to automatically send out data in a predetermined order.

Regarding claim 12, Knudson further discloses providing the program information on demand, or any other suitable technique (col. 11, lines 10-20). Necessarily, the

determined time is a function of a random timing based on a preset time (timing based on time received a demand).

Regarding claim 13, Knudson further discloses Main facility contains a processor to handle information distribution tasks (col. 7, lines 28-30) or program guide server at location other than television distribution facility (26 – col. 7, lines 13-16), for providing the program information continuously, periodically, or on demand, or may be any other suitable technique (col. 11, lines 10-20). Necessarily, the determined time is a function of a time set by a management server (either at the main facility or program guide server), which manages the data server so that the program information is provided periodically, or at the time a demand is received, or continuously.

Regarding claim 14, Knudson in view of Yuen teaches an apparatus as discussed in the rejection of claim 2. Yuen further discloses a function of time set by a table (e.g., host schedule packet – figure 11), the table adapted to store access time for the server (e.g. broadcast electronic program guide at 10:30 A.M and again at 7:00 P.M – col. 10, lines 1-15).

Regarding claim 15, Yuen further discloses the table includes region codes (e.g., region codes for host 0407) in which postal code are identifiers (col. 10, lines 1-64).

Regarding claim 18, Knudson further discloses Main facility contains a processor to handle information distribution tasks (col. 7, lines 28-30) or program guide server at location other than television distribution facility (26 – col. 7, lines 13-16), for providing the program information continuously, periodically, or on demand, or may be any other suitable technique (col. 11, lines 10-20). Necessarily, the determined time is a function of a time set by a service provider (either at the main facility or program guide server) that is adapted to be connected to the broadcast program information receiving apparatus (distribution facility 26) so that the program information is provided continuously, or periodically.

Regarding claim 19, Knudson further disclose the determined time is a function of a load distribution state of the data server (main facility), that downloads the broadcast program information at a determined access time (time set to periodically provide the program information or at the time a demand is received – col. 7, lines 10-30; col. 11, lines 10-20).

4. Claims 16-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6,536,041) in view of Yuen et al. (US 6,583,825) as applied to claim 14 above, and further in view of Ganzer et al. (US 5,121,430).

Regarding claim 16, Knudson in view of Yuen teaches an apparatus as discussed in the rejection of claim 14. Yuen further discloses particular geographic area (col. 4, lines 42-

67). However, none of these references specifically discloses region codes in which telephone area codes are identifiers.

Ganzer discloses region codes in which telephone area codes are identifiers (col. 3, lines 41-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson and Yuen to use the teaching as taught by Ganzer in order to target advertisement to predetermined group of telephone users.

Regarding claim 17, Knudson in view of Yuen teaches an apparatus as discussed in the rejection of claim 14. However, none of these references specifically discloses region codes in which codes for urgent warning broadcasts are identifiers.

Ganzer discloses region codes in which codes for urgent warning broadcast are identifiers (alert code/type col. 6, lines 1-16; col. 7, lines 5-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson and Yuen to use the teaching as taught by Ganzer in order to notify user in advance of type of incoming event thereby minimizing damages.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Croy et al. (US 6,040,829) discloses personal navigation system.

Finseth et al. (US 6,813,775) discloses method and apparatus for sharing viewing preferences.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH  
August 2, 2005



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